

01-02-02

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Box Seq10/23/01  
JC872 U.S. PTO**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 35718/237005 (5718-118)

First Inventor or Application Identifier: Abad, et al.

Title of Invention: GENES ENCODING NOVEL PROTEINS  
WITH PESTICIDAL ACTIVITY AGAINST COLEOPTERANS

Express Mail Label No. EL868637910US

1036 U.S. PTO  
10/032717  
10/23/01**ADDRESS TO: BOX PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231**

Transmitted herewith for filing in the United States Patent Office is a patent application for:

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Assignee of this invention is

1. ☒ The Filing Fee has been calculated as shown below:
2. ☐ Applicant claims Small Entity Status. See 37 CFR 1.27.

	No. Filed	No. Extra	Small Entity Rate Fee 0	Large Entity Rate Fee 1
BASIC FEE			\$0	\$740
TOTAL CLAIMS:	36 - 20 =	16	X 9 = \$0	x 18 = \$288
INDEP CLAIMS:	13 - 3 =	10	X 42 = \$0	x 84 = \$840
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+140 = \$	+280 = \$
*If the difference in Column 1 is less than zero, enter "0" in Column 2.			TOTAL \$	TOTAL \$ 1868

The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Acct. No.

- a. ☐ Fees required under 37 CFR 1.16 (National filing fees).  
b. ☐ Fees required under 37 CFR 1.17 (National application processing fees).
- ☐ A check in the amount of \$ \_\_\_ for the filing fee is enclosed.
- ☒ The above filing fee will be paid along with Applicant(s) Response to the Notice to File Missing Parts.
3. ☒ Specification; Total Pages 88
4. ☐ \_\_\_ Sheets of Formal Drawing(s) (35 USC 113)
5. ☐ Declaration and Power of Attorney; [Total Pages \_\_\_]  
a. ☐ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)  
i. ☐ DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) & 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a. ☒ Computer Readable Copy (CRF)  
b. ☐ Request for Transfer of Computer Readable Form of Sequence Listing under 37 CFR § 1.821(e) and MPEP 2422.05 (must be compliant with new rules)  
c. ☒ Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☒ Paper (90 Pages)  
d. ☒ Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s) (including a check for the \$40.00 fee)
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee); ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449; \_\_\_ Copies of IDS Citations
13. ☐ Preliminary Amendment

14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)  
☐ Foreign Priority is claimed as Application No. , filed
16. ☐ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant **must** attach form PTO/SB35 or its equivalent.
17. ☐ Request for Early Publication Under 37 CFR § 1.219. Fee of \$300.00 is enclosed.
18. **If a CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CF 1.76:  
☐ Continuation ☐ Divisional ☐ Continuation in Part (CIP)  
of prior Application No: \_\_; Filed \_\_

Prior Application Information: Examiner

Group/Art Unit:

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. **CORRESPONDENCE ADDRESS**

**CUSTOMER NUMBER 29122**

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"Express Mail" mailing label number EL868637910US

Date of Deposit October 23, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Commissioner For Patents, Washington, DC 20231.

\_\_\_\_\_  
Pamela Lockley

RTA01/2105725v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Abad, et al.  
Appl. No.: To Be Assigned  
Filed: Concurrently Herewith  
For: GENES ENCODING NOVEL PROTEINS WITH PESTICIDAL ACTIVITY  
AGAINST COLEOPTERANS

**STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Box Patent Application  
Commissioner for Patents  
Washington, DC 20231

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same.

Respectfully submitted,

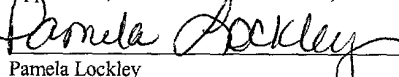


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Pamela Lockley

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on October 23, 2001.